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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**BOARDS OF TRUSTEES OF THE
AGC-OPERATING ENGINEER
HEALTH AND WELFARE FUND;
OPERATING ENGINEERS PENSION
FUND; and INTERNATIONAL UNION
OF OPERATING ENGINEERS LOCAL
701-AGC TRAINING TRUST FUND,**
Plaintiffs,

v.

**ROSS ISLAND SAND & GRAVEL
CO,** an Oregon Corporation, Oregon
Registry No. 029100-16,

Defendant.

NO. 3:23-cv-001613-MO

APPLICATION FOR WRIT OF
GARNISHMENT

Pursuant FRCP 64(b), plaintiffs apply to this Court for issuance of a writ of garnishment on the City of Portland. This application is based on the following facts:

APPLICATION FOR WRIT OF GARNISHMENT - 1
3: 23-cv-001613-MO

BARLOW COUGHRAN
MORALES & JOSEPHSON, P.S.
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(206) 224-9900

1. Plaintiffs have a judgment that is wholly unsatisfied, against the defendant, Ross Island Sand & Gravel Co., in the United States District Court of Oregon. The judgment was entered with this court on April 5, 2024. The judgment does not represent consumer debt, but debt arising from the operation of a business. Attached as Exhibit A is a copy of the judgment.

2. The amount of judgment is as follows:

\$74,632.88 in contributions, \$6,380.83 in liquidated damages, \$1,125.77 in pre-judgment interest, calculated through February 20, 2024, \$2,133.00 in attorney fees, and \$497.00 in judgment costs, for a total amount of \$84,769.48; plus post-judgment interest of \$3,502.20, calculated through May 8, 2024, and garnishment costs of \$100.00, for a total of \$88,371.68.

3. The judgment is unsatisfied.

4. Plaintiffs have reason to believe, and do believe, that the City of Portland, whose business location is 1221 SW Fourth Avenue, Suite 340, Portland, Oregon 97204 is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law and has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law.

5. The garnishee is not the employer of the defendant.

CERTIFICATION

I CERTIFY under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 14th day of May, 2024.

s/ Noelle E. Dwarzski
Noelle E. Dwarzski, OSB #131866
BARLOW COUGHRAN MORALES
& JOSEPHSON, P.S.
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

This will certify that on May 14, 2024, I caused the foregoing Application for Writ of Garnishment to be electronically filed with the Clerk of the Court using the CM/ECF system. This certifies that the foregoing document was served via CM/ECF electronic mail on all registered users.

Dated this 14th day of May, 2024, at Seattle, Washington.

s/ Noelle E. Dwarzski
Noelle E. Dwarzski, OSB #131866
BARLOW COUGHRAN MORALES
& JOSEPHSON, P.S.
Attorneys for Plaintiffs

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**BOARDS OF TRUSTEES OF THE
AGC-OPERATING ENGINEER
HEALTH AND WELFARE FUND,
OPERATING ENGINEERS PENSION
FUNDS, and INTERNATIONAL UNION
OF OPERATING ENGINEERS LOCAL
701-AGC TRAINING TRUST FUND,**

No. 3:23-cv-01613-MO

DEFAULT JUDGMENT

Plaintiffs,

v.

ROSS ISLAND SAND & GRAVEL CO.,

Defendant.

MOSMAN, J.,

Plaintiffs' Motion for Default Judgment [8] is GRANTED. Defendant Ross Island Sand & Gravel Co. is found to be in default. I ENTER JUDGMENT for Plaintiffs in the amount of \$74,632.88 in contributions, \$6,380.83 in liquidated damages, and \$1,125.77 in interest. I GRANT attorney fees for Plaintiffs in the amount of \$2,133.00 and I GRANT \$497.00 in costs. It is ordered and adjudged that this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED April 5, 2024.

Michael W. Mosman
MICHAEL W. MOSMAN
Senior United States District Judge